

No fee

IN THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM DONALD MARSHALL,
PETITIONER,

Case # 1:CV-01-0949

VS.

ROBERT L. RAIGER,
RESPONDENT,

NOTICE OF APPEALFILED
HARRISBURG

JUL 24 2001

MARY E. D'ANDREA, CLERK
Per. *[Signature]*
DEPUTY CLERK

Notice is hereby given that, petitioner hereby appeals to the United States Court of Appeals for the Third Circuit from the Order dismissing petitioner's Petition for Writ of Habeas Corpus entered in this action on July 18, 2001.

Respondent is hereby given notice by copy thereof this Notice of Appeal as served upon him, that pursuant to the mandatory language of 28 USC Rule 23(a) of Federal Rules of Appellate Procedure, petitioner's custody is not to be transferred to another. See Rule 23(c) which specifically asserts:

(a) Transfer of Custody Pending Review

"Pending review of a decision in a habeas corpus proceeding commenced before a court, justice or judge of the United States for the release of a prisoner, a person having custody of the prisoner, shall not transfer custody to another"

Certified from the record

Date 7/25/01

Mary E. D'Andrea, Clerk

Per *[Signature]*
Deputy Clerk

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Respondent's disregard to the above referenced and excerpts of Rule 23(a) would be to violate petitioner's right to seek review by Appellate Court of District Court's action. No special order of court is required to enforce what is already mandatory contained in Rule 23(a) insofar as to preserve the right to seek appellate review.

Dated this 22, day of July, 2001

Respectfully submitted,

William Donald Marshall
Petitioner, Pro Se.

Certificate of Service

I the petitioner named above, do hereby certify that I have served upon attorney for respondent i.e. David Arnold, a true and correct copy of the foregoing Notice of Appeal on the date last above appearing.

William Donald Marshall

cc: Kenneth Wallin, Sponsor
David Arnold, Esq.
National Lawyers Guild
Pa. Bar Association.